

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Action
)	No. 19-10222-DPW
v.)	
)	
JEFFREY BIZZACK,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE DOUGLAS P. WOODLOCK
UNITED STATES DISTRICT JUDGE

WAIVER OF INDICTMENT
PLEA TO INFORMATION

July 24, 2019

John J. Moakley United States Courthouse
Courtroom No. 1
One Courthouse Way
Boston, Massachusetts 02210

Kelly Mortellite, RMR, CRR
Official Court Reporter
One Courthouse Way, Room 5200
Boston, Massachusetts 02210
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P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Douglas P. Woodlock, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, One Courthouse Way, Courtroom 1, Boston, Massachusetts, on July 24, 2019

(Case called to order.)

THE COURT: Well, I have the plea agreement here of the defendant indicating he's going to plead to an information. This is the initial appearance. I assume that the defendant doesn't need to have the entire information read?

MS. CORRIGAN: That is correct, Your Honor.

THE COURT: Okay. And I'm sorry. Ms. Corrigan, is it?

MS. CORRIGAN: Yes, Kate Corrigan on behalf of Mr. Bizzack, he is present here, along with Seth Berman and Jeremy Goldman.

THE COURT: Ms. Beatty is going to swear Mr. Bizzack, and then I'll ask him a few questions.

MS. CORRIGAN: Thank you.

(Defendant duly sworn.)

THE COURT: Please be seated. State your full name and spell your last name.

THE DEFENDANT: Jeffrey Mark Bizzack, B-i-z-z-a-c-k.

1 THE COURT: Mr. Bizzack, the purpose of this hearing
2 is to satisfy me that what appears to be your intention to
3 plead guilty to an information is a knowing and voluntarily act
4 on your part. In order for me to make that kind of
5 determination, I have to ask you some questions. Some of those
6 questions are personal in nature. Understand I'm not trying to
7 delve into your personal life, except as it makes it possible
8 for me to decide whether or not you know what you're doing. Do
9 you understand?

10 THE DEFENDANT: I understand.

11 THE COURT: Can you tell me how old of a man you are.

12 THE DEFENDANT: I'm sorry?

13 THE COURT: How old are you?

14 THE DEFENDANT: 59.

15 THE COURT: How far did you get in school?

16 THE DEFENDANT: I got about to six units from
17 graduation.

18 THE COURT: I'm sorry?

19 THE DEFENDANT: My senior year of graduation, just
20 didn't finish the last six units.

21 THE COURT: This is undergraduate?

22 THE DEFENDANT: College. Yeah, sorry.

23 THE COURT: And what have you been doing for a living
24 for the past, say, ten years?

25 THE DEFENDANT: Been involved as an entrepreneur,

1 running companies, involved in taking two companies public in
2 the business process out-sorting business, and then the last
3 four years, five years, been involved in technology and the
4 surf industry.

5 THE COURT: Okay. Have you had any difficulty
6 understanding what this case is about, what the government is
7 accusing you of?

8 THE DEFENDANT: No.

9 THE COURT: Have you had an opportunity to discuss
10 this case with your several attorneys?

11 THE DEFENDANT: Yes.

12 THE COURT: Are you satisfied you've received from
13 them the kind of legal advice you need to make your own
14 decision about whether or not to plead guilty?

15 THE DEFENDANT: Yes.

16 THE COURT: Have you ever had any problem with
17 substance abuse, either drugs or alcohol?

18 THE DEFENDANT: No.

19 THE COURT: Have you had occasion to consult with a
20 mental health professional, like a psychiatrist or
21 psychologist, a psychiatric social worker or anyone like that?

22 THE DEFENDANT: No.

23 THE COURT: Are you taking any prescription drugs at
24 this point?

25 THE DEFENDANT: The only thing, I just had major back

1 surgery. So once or twice or month, if it starts to kick up,
2 because I'm in physical therapy, I've got a muscle relaxant
3 that I use probably twice a month.

4 THE COURT: When was the last time you used it?

5 THE DEFENDANT: Two weeks ago.

6 THE COURT: Is it affecting your ability to make
7 clear-eyed judgments like this?

8 THE DEFENDANT: Yes, yes -- no. No, it does not.

9 THE COURT: Okay. So I started this hearing by
10 mentioning that there was a plea agreement here. It appears to
11 be embodied in a letter bearing the date June 10 to your
12 attorneys. It's got some markups, particularly because, as a
13 matter of course, I've found that waivers of appellate rights
14 are not effectively undertaken by almost all defendants, so
15 it's just been taken out there with a series of annotations by
16 the various parties.

17 Now, is this the entire agreement between you and the
18 government?

19 THE DEFENDANT: Yes.

20 THE COURT: Did anybody threaten you in any way to get
21 you to plead guilty?

22 THE DEFENDANT: No.

23 THE COURT: Did anybody promise you something that
24 isn't in this plea agreement to get you to plead guilty?

25 THE DEFENDANT: No.

1 THE COURT: Under this plea agreement the indication
2 is that the government is going to make certain recommendations
3 in this case. We're dealing with a case in which the maximum
4 penalties could be incarceration for 20 years, supervised
5 release for three years, a fine of \$250,000 or twice the gain
6 or loss, whichever is greater. There is a mandatory special
7 assessment of \$100. There's restitution. There's forfeiture
8 to the extent charged in the information.

9 You understand that I'm going to make the final
10 determination about that?

11 THE DEFENDANT: Yes.

12 THE COURT: And I'm going to do it on the basis of
13 what I call the sentencing guidelines. Those are a series of
14 directives to me that tell me the kind of factors that I should
15 take into consideration in deciding whether or not and how to
16 impose a sentence in a case.

17 I started this part of the discussion by saying that
18 the government has made certain recommendations, but the
19 parties themselves have also indicated their view of what the
20 sentencing guidelines are in paragraph 3. I want to be clear
21 about this. I'm not bound by that. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: So I want this to be clear as well. If I
24 accept your plea and I impose a sentence that's within the law
25 that is different from the recommendations that are made by

1 your counsel or by the government or are different from the
2 sentencing guidelines in this case, you don't get to withdraw
3 your plea. You're stuck with it. Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. So the recommendation that the
6 government indicates that it's making, will make in this case,
7 is a term of imprisonment of nine months, a fine of \$75,000, 12
8 months of supervised release, a mandatory special assessment of
9 \$100, and there's restitution that will come into focus I guess
10 at sentencing, but there is forfeiture that's set forth in the
11 information.

12 Do you understand that's what the government is going
13 to recommend?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. And again, I just want to emphasize
16 I'm not bound by that.

17 THE DEFENDANT: Yes.

18 THE COURT: You understand?

19 THE DEFENDANT: I do.

20 THE COURT: Now, do you have any questions of me
21 regarding this plea agreement?

22 THE DEFENDANT: No, sir.

23 THE COURT: Do you understand you don't have to plead
24 guilty at all? Under our system of justice, a person who is
25 accused of a crime is presumed innocent unless and until the

1 government proves beyond a reasonable doubt every essential
2 element of the offense charged against that individual.

3 What that means is you don't have to do anything at
4 all. You can look them straight in the eye and say, "Prove
5 it." And unless and until they do, you can't be found guilty.
6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: By pleading guilty, you're giving up those
9 background very important constitutional rights, the right to
10 force the government to its proof, very high standard of proof,
11 proof beyond a reasonable doubt in a context in which you're
12 presumed innocent. So you're giving up all of those rights.
13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And you do something else as well. You're
16 going to be pleading to an information. Under our
17 Constitution, a person who faces a serious felony like this is
18 entitled to force the case to go to a grand jury. The grand
19 jury is a group of 23 individuals, a majority of whom have to
20 vote in favor of an indictment. If they don't vote in favor of
21 the indictment, the government can't go forward. So the grand
22 jury can function, from time to time does function as a
23 screening device that says no to the government. And you're
24 giving up the right to force the government to present the case
25 to the grand jury and have the grand jury make its own

1 determination with respect to that. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Have you had an adequate opportunity to
4 discuss that particular initiative with your counsel?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you think you know enough about what's
7 in it for you to make the decision to plead to an information?

8 THE DEFENDANT: When you say, "In it" for me --

9 THE COURT: You know, this is a bargaining. We have a
10 plea agreement.

11 THE DEFENDANT: Yes.

12 THE COURT: It's a question of balancing advantage
13 between the parties. Sometimes parties give up things that
14 they think they want to give up in order to get things that
15 they think they'd like to have. So you're giving up something
16 very important, a constitutional right, the right to force the
17 government to take this case to the grand jury.

18 Do you think you know enough about what you're giving
19 up to make that kind of a decision?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Okay. Now, in addition, the government
22 has to prove very specifically the elements of the offense.
23 The elements of the offense that we're talking about here is a
24 conspiracy to commit mail fraud and honest services mail fraud.
25 And I'll talk to you briefly about the elements of the offense.

1 If you've got questions of me, of course you can raise them.

2 I assume that you have discussed all of the elements
3 of the offense with your attorneys?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And you have a good idea of what the
6 government has to prove?

7 THE DEFENDANT: Yes.

8 THE COURT: So the elements of the conspiracy to
9 commit mail fraud is that there's an agreement that's specified
10 in the information here, not some other agreement or
11 arrangements, that existed between at least two people to
12 commit mail fraud and honest services fraud.

13 Second, that you willfully joined in that agreement.
14 This wasn't some mistake or you just weren't acting
15 consistently with what the other people were doing. You knew
16 what you were doing, and you entered into this agreement to
17 commit mail fraud and honest services fraud.

18 One of the conspirators has to have committed an overt
19 act, some act in furtherance of the conspiracy. And back to
20 the core of what this conspiracy is about, the object of the
21 conspiracy, that is, mail fraud, we also sometimes call it
22 honest services fraud. They have to prove that there was a
23 scheme that's substantially as charged in the information to
24 defraud or obtain money or property by means of false or
25 fraudulent -- false and fraudulent pretenses, that the scheme

1 to defraud involved the misrepresentation or concealment of a
2 material fact or some matter that the scheme involved the
3 obtaining of money or property by means of false and fraudulent
4 pretenses. And that could be a false statement. It could be
5 an assertion, false assertion, a half truth, a knowing
6 concealment of some material fact.

7 They have to show that you knowingly and willfully
8 participated in that scheme. That is, as a conspirator, you
9 entered into an agreement to participate in that scheme; and
10 that for the purpose of executing that scheme, you caused or a
11 member of your conspiracy caused, intended to cause the United
12 States mails to be used, and it was reasonably foreseeable that
13 for the purpose of executing that scheme the United States
14 mails would be used about the date that's alleged in the
15 information. You understand the government has to prove those
16 kinds of things?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you have any questions of me about what
19 the government has to prove?

20 THE DEFENDANT: No.

21 THE COURT: Have you had an adequate opportunity to
22 discuss with your counsel what kind of initiatives that you
23 might pursue in defense of this case? I indicated that you
24 could sit back and just make the government, force the
25 government to its proof, but you don't have to do that. You

1 can challenge the government's case on a variety of different
2 levels. You can have your attorneys cross-examine the
3 government's witnesses. You can have them bring in witnesses
4 on your behalf. If they wouldn't come in here voluntarily, I
5 would tell them -- I'd give them court process to force them to
6 come in here. You have the right to take the witness stand
7 yourself and tell your side of the story, or you could choose
8 not to. And if you chose not to, I would tell the jury -- of
9 course I've observed this principle myself -- that we can't
10 hold that against you. That is another valuable constitutional
11 right that you have; the right to remain silent in the face of
12 criminal accusation, and it can't be burdened in any way
13 directly or indirectly in a criminal case. Now, by pleading
14 guilty, you're giving up all of those valuable constitutional
15 rights. Do you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you have any questions of me about the
18 process that is involved here and what it is that you're giving
19 up?

20 THE DEFENDANT: No, sir.

21 THE COURT: So one of the things I have to do is
22 satisfy myself that there's sufficient evidence from which a
23 finder of fact could find you guilty of the offense charged.
24 So we're going to turn to the government and ask them to
25 describe briefly what the evidence would be in this case if it

1 were to go to trial. I want you to listen very carefully,
2 because when they're through, I'm going to say, "Is that what
3 happened?" Do you understand?

4 THE DEFENDANT: Yes, sir.

5 MR. ROSEN: Your Honor, if this case were to proceed
6 to trial, the evidence would show through recorded telephone
7 calls, documents, emails and witness testimony that the
8 University of Southern California, USC, is a highly selective
9 private university in Los Angeles.

10 The athletic teams of USC compete in most sports at
11 the Division I level, the highest level intercollegiate
12 athletics sanctioned by the NCAA. USC recruits students with
13 demonstrated athletic abilities and typically applies different
14 criteria when evaluating applications from such students with
15 the expectation that recruited athletes will be contributing
16 members of USC's athletic teams once enrolled. Typically, the
17 admissions office at USC allots a set number --

18 THE COURT: Mr. Rosen, maybe a little slower for me
19 but also for the court reporter.

20 MR. ROSEN: Typically, the admissions office at USC
21 allots a set number of admission slots to each head coach of a
22 varsity sport for that coach's recruited athletes. At USC
23 students recruited for those athletic slots have substantially
24 higher admissions prospects than non-recruited students with
25 similar grades and standardized test scores. Admissions slots,

1 the determination of which students to admit and the resulting
2 composition of undergraduate classes are important assets of
3 USC.

4 At all times relevant to this case, Donna Heinel was a
5 senior athletics administrator at USC, and she owed a fiduciary
6 duty to USC. Heinel was the admissions liaison between the USC
7 athletic coaches and the university admissions office.

8 Heinel's job was to guide legitimate student athletes through
9 the university admissions process. To that end, coaches would
10 provide Heinel with lists of their recruited athletes, and
11 Heinel would bring the athletic profiles and admissions packets
12 of the athletes to the university athletics admissions
13 committee where she would present them for review by the
14 committee.

15 Heinel was not a coach and had no power to recruit
16 athletes. She was simply supposed to act as a liaison between
17 the coaches and the university admissions office. Instead of
18 doing her job, Heinel accepted money both for herself and
19 university accounts that she controlled to her benefit to
20 designate non-recruited athletes as recruited athletes, thereby
21 effectively ensuring their admission to USC through the athlete
22 admissions process.

23 Heinel, with the help of others, including Rick Singer
24 and Heinel's assistants within the athletic office, created and
25 edited fake athletic profiles making it appear that Singer's

1 clients as well as others were true athletes when they were
2 not. Then the athletic profile would be mixed in with the
3 legitimate athletes making it appear that these fake athletes
4 had been recruited by USC coaches when they had not.

5 Defendant Jeffrey Bizzack conspired with Rick Singer,
6 who has pleaded guilty to an information before Judge Zobel,
7 and others to commit mail fraud and honest services mail fraud
8 through his participation in a scheme to use bribery and other
9 forms of fraud to facilitate the admission of defendant's son
10 to USC. His participation in the scheme for which he agreed to
11 and did pay a total of \$250,000 to facilitate the admission of
12 his son to USC as a purported athletics recruit was as follows:

13 In April of 2017, defendant was introduced to Singer
14 through a mutual acquaintance. Thereafter, defendant hired
15 Singer to facilitate the college admissions process for his
16 son. And by the summer of 2017, defendant agreed to pay Singer
17 an amount ultimately totaling \$250,000 to facilitate the
18 admission of his son to USC as a purported athletics recruit.

19 On or about July 14 of '17, Singer sent an email to
20 Laura Janke. Janke, who has pled guilty to the racketeering
21 conspiracy, was a former USC soccer coach who accepted bribes
22 from Singer. Janke also created fake athletic profiles for
23 Singer's clients to make it appear that they were legitimate
24 athletes. In the email, Singer told Janke that he met with
25 Heinel; that Heinel had agreed to facilitate the admission of a

1 number of children of Singer's clients to USC as purported
2 athletic recruits. One of those children was defendant's son
3 who would be designated as a purported water polo recruit.
4 Janke agreed to create defendant's son's falsified athletic
5 profile in exchange for money.

6 Thereafter, Singer obtained defendant's son's
7 biographical information and academic transcripts, which he
8 sent to Janke in late July so that Janke could create a
9 falsified athletic profile. In doing so, Singer changed the
10 sport of the profile from water polo to volleyball. On or
11 about August 7 of '17, Janke emailed Singer a fabricated
12 volleyball profile for defendant's son, which Singer then sent
13 to Heinel on or about August 15 of '17.

14 On or about October 19 of '17, Heinel presented
15 defendant's son to the USC subcommittee for athletics
16 admissions as a purported volleyball recruit. On or about
17 November 21 of '17, USC issued a letter to defendant's son but
18 intercepted by defendant in the mail. In the letter USC stated
19 that defendant's son had been conditionally admitted to USC as
20 a student athlete. The letter stated, "Your records indicate
21 that you have the potential to make a significant contribution
22 to the intercollegiate athletic program as well as to the
23 academic life of the university.

24 On or about December 5, 2017, defendant, acting at
25 Singer's direction, mailed a \$50,000 check to the USC Gaylen

1 Center. In late March of 2018, USC mailed defendant's son a
2 formal acceptance letter. In March and April of 2018,
3 defendant made multiple payments to Rick Singer's charity, the
4 Key Worldwide Foundation, in amounts totaling \$200,000. And
5 then beginning in or about July of '18, Singer began making
6 monthly payments to Heinel from the Key Worldwide Foundation in
7 the amount of \$20,000 each month, sent in the mail to her in
8 exchange for her assistance with facilitating the admission of
9 defendant's son and the children of other Singer clients.

10 To disguise the purposes of these payments, Heinel
11 emailed Singer falsified invoices including an invoice in or
12 about November of 2018 that indicated it was for the interview,
13 evaluation and assessments of multiple students, including
14 defendant's son.

15 THE COURT: All right. You've heard what the
16 government tells me the evidence would be, and I can observe
17 that you've been following along in a transcript I guess of
18 what the government says it's going to prove. Is that right?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you disagree with anything they said?

21 THE DEFENDANT: Can I just ask one question?

22 THE COURT: Sure.

23 (Defendant conferring with counsel.)

24 THE DEFENDANT: Yeah, the general -- yes.

25 THE COURT: Pardon me? I'm sorry. I didn't hear the

1 full answer.

2 THE DEFENDANT: No, I don't disagree.

3 THE COURT: Okay. Is that what happened?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay.

6 MS. CORRIGAN: If I might, Your Honor, I think the
7 hesitation that the court sensed a little bit is just because
8 some of the facts, and I think the government would agree, are
9 not within -- we don't dispute the facts, but certain items,
10 such as what happened with Heinel and Janke, our client was not
11 aware of that they were actually doing those acts. So I think
12 that's just where the hesitation comes from.

13 THE COURT: Well, I guess -- I'm sorry to interrupt.
14 I guess the question of, "Do you disagree" deals with that. As
15 to the question, "Is that what happened," within your
16 knowledge, is that what happened?

17 THE DEFENDANT: Yes.

18 THE COURT: I mean, you entered into this agreement as
19 alleged in the information --

20 THE DEFENDANT: Yes.

21 THE COURT: -- didn't you?

22 THE DEFENDANT: Yes.

23 THE COURT: No question about that?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay.

1 MS. CORRIGAN: Thank you, Your Honor.

2 THE COURT: So I'm prepared to accept a plea, but I do
3 want to have a waiver of the indictment. Ms. Corrigan, do you
4 have a copy of the waiver?

5 MS. CORRIGAN: I do, Your Honor, and Mr. Bizzack has
6 signed it, I've signed it, and Mr. Berman has also signed it.
7 May I approach your clerk?

8 THE COURT: Yes, you can.

9 Based on the discussion we've had this morning,
10 Mr. Bizzack, I'm satisfied that your decision to plead guilty
11 to an information is a knowing and voluntary act, and I'm going
12 to receive a plea to the information. I'm now going to ask Ms.
13 Beatty to inquire of you. But first I want to know from the
14 government and Ms. Corrigan, is there any reason I shouldn't
15 accept this plea?

16 MR. ROSEN: Not from the government, Your Honor.

17 MS. CORRIGAN: Not that I'm aware of, Your Honor.

18 THE COURT: Okay. So Ms. Beatty, if you could inquire
19 of the defendant.

20 COURTROOM CLERK: Mr. Bizzack, on criminal 19-10222,
21 you are charged in Count One of a one count information with
22 conspiracy to commit mail fraud and honest services mail fraud
23 in violation of Title 18, United States Code, Section 1349.

24 What say you as to Count One, guilty or not guilty?

25 THE DEFENDANT: Guilty.

1 THE COURT: All right. Based on the conversation
2 we've had this morning, I've found your decision to plead
3 guilty is a knowing and voluntary act, and as a consequence
4 you're now adjudged guilty of that offense.

5 The next formal event in this courtroom will be the
6 sentencing. It will take place on October 30 at 12 noon.
7 What's going to happen in advance of that sentencing is that
8 the Probation Office will prepare a Presentence Report. It's a
9 document I rely on very heavily in making my own judgment about
10 what the sentence should be. Both you and your counsel will
11 have an opportunity to work with the Probation Office. It's
12 very much in your best interest but also an obligation that you
13 have.

14 You can bring to their attention things you think I
15 should know. You'll get a chance to see the Presentence Report
16 in its draft form and you can ask the Probation Office to make
17 changes or corrections. If they don't make them to your
18 satisfaction, then you can bring the matter up to me at the
19 time of sentencing; and at the time of sentencing I'll hear you
20 and your counsel the various factors that I should take into
21 consideration. Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Now, because this is an initial
24 appearance, the question of release is to be resolved. I have
25 a report from the Probation Office with a recommendation here

1 that the defendant be released on a \$20,000 unsecured bond with
2 the following conditions: that he report to U.S. Probation and
3 Pretrial Services as directed, that he continue or actively
4 seek employment, that he surrender any passport, that's both
5 current passport or past passports. The report suggests that
6 there may be some past passports, the location of which you
7 don't know.

8 THE DEFENDANT: Right.

9 THE COURT: But if you find them, you turn them over
10 to the Probation Office.

11 THE DEFENDANT: Yes.

12 THE COURT: That's while this case is pending. Your
13 travel is restricted to the United States. Any travel away
14 from home is permitted with advance notice as required by the
15 Probation Office. You must avoid any contact directly or
16 indirectly with any person who is or may be a victim or
17 potential witness in this investigation, the larger
18 investigation, including co-defendants, except in the presence
19 of your counsel.

20 You have to report any contact with law enforcement
21 within 24 hours. You have to refrain from possessing any
22 firearm or other dangerous weapon, and you must maintain your
23 current residence and not move without prior permission of the
24 Probation Office.

25 Now, are there any other conditions that the parties

1 would ask me to impose here?

2 MR. ROSEN: No. The only one I sort of flagged to
3 your court is just condition 2, which is, "Continue or actively
4 seek employment." I know the defendant I think has stopped
5 working or has sort of retired from his company, so I don't
6 know if that is a necessary condition.

7 THE COURT: I'll leave that I guess in the first
8 instance to Probation. You're not supposed to be idle here.
9 Do you understand?

10 THE DEFENDANT: (Nods.)

11 THE COURT: And this condition, which doesn't apply
12 easily to entrepreneurs, is meant to make sure that idle hands
13 don't become a devil's plaything, so you should be looking for
14 work of some sort to keep you busy during the pendency of these
15 proceedings. Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: Anything else by way of conditions?

18 MS. CORRIGAN: If I might just have one moment?

19 THE COURT: Sure.

20 (Defendant conferring with counsel.)

21 MS. CORRIGAN: Your Honor, if we might, Mr. Rosen, if
22 I might suggest perhaps in the event that -- and with
23 Probation's approval, that in the event that my client is not
24 actively seeking employment, that during that period of time
25 that he perform community service and that he talk to the

1 Pretrial Services officer about that, because I think to your
2 point of not remaining idle, I think that that might be at
3 least something that could be an alternative in light of what
4 his prior history is with employment.

5 THE COURT: You know, I view that condition as
6 latitudinarian, so it can include that kind of activity there.
7 I'll leave it to the Probation Office to approve it. Not to
8 suggest that Mr. Bizzack would, but he's not supposed to be
9 sitting on his hands.

10 MS. CORRIGAN: Correct.

11 THE COURT: So the Probation Office will supervise
12 that. And if there's some dispute about it, it will come to
13 me. All right?

14 MS. CORRIGAN: Thank you.

15 THE COURT: Anything else?

16 MR. ROSEN: Nothing from the government.

17 MS. CORRIGAN: No, Your Honor. Thank you.

18 THE COURT: Thank you. We will be in recess.

19 (Adjourned, 9:59 a.m.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Kelly Mortellite, Registered Merit Reporter
and Certified Realtime Reporter, in and for the United States
District Court for the District of Massachusetts, do hereby
certify that the foregoing transcript is a true and correct
transcript of the stenographically reported proceedings held in
the above-entitled matter to the best of my skill and ability.

Dated this 26th day of July, 2019.

/s/ Kelly Mortellite

Kelly Mortellite, RMR, CRR

Official Court Reporter